IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 26172 of 2007(N)

PETITIONERS:

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1. C.MATHEW, S/O.STANSILAVOS,
PANAMKAYAM ESTATE, UPPADA.P.O.,
CHUNKATHARA VILLATE, NILAMBUR TALUK,
MALAPPURAM DISTRICT RESIDING AT
CHENGALATHU HOUSE,
ELAMGULAM, MEENACHIL, KOTTAYAM DISTRICT.

2. C.J.MATHEW, S/O.JOSEPH,
-DO- -DO-

3. C.THOMAS, S/O.STANSILAVOS,
-DO- -DO-

4. DIVYA MATHEW, D/O.MATHEW,
-DO- -DO-.

5. TIBU MATHEW, S/O. MATHEW,
-DO- -DO-

6. RYON THOMAS, S/O.THOMAS,
-DO- -DO-

7. GEORGE THOMAS, S/O.THOMAS,
-DO- -DO-.

8. ROBIN THOMAS, S/O. THOMAS,
-DO- -DO-.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENTS:
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1. THE TAHSILDAR, NILAMBUR, MALAPPURAM DISTRICT.

2. VILLAGE OFFICER, CHANGATHARA, NILAMBUR TALUK.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON 24/08/2007 DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 26172 OF 2007 - N

Dated this the 24th day of August, 2007

J U D G M E N T

Pursuant to show cause notices identical to Ext.P7 received by the petitioners on 13.8.2007 directing them to appear for hearing on 14.8.2007, Exts.P8 to P14 orders dated 16.8.2007 have been passed directing the petitioners to vacate the properties mentioned in Exts.P8 to P14. The contention of the petitioners is that the petitioners have not been given sufficient time to file their objections and produce evidence. The petitioners therefore challenge Exts.P8 to P14.

2. I have heard the learned Government Pleader also.

3. I am of opinion that the petitioners should have been given some more time to place their objections on record and to produce evidence in support of their case. In the above circumstances, the writ petition is disposed of with the following directions:-

The first respondent shall give the petitioners at least three weeks time to file objections. Thereafter, the first respondent shall afford an opportunity of being heard to the petitioners which shall include opportunity to adduce evidence also. Speaking orders considering the objections and evidence of the petitioners shall be passed. Till after two weeks of service of such orders on the petitioners, they shall not be evicted from the properties in question.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007